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FILED  
13 AUG 26 PM 1:01  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
DEPUTY

10 UNITED STATES DISTRICT COURT  
11 SOUTHERN DISTRICT OF CALIFORNIA

13 CALIFORNIA COALITION FOR  
14 FAMILIES AND CHILDREN, et al.

Case No. 13CV1944-<sup>CAB</sup>~~DMS~~-BLM

15 Plaintiffs,

BY FAX

16 vs.

EX PARTE APPLICATION FOR  
LEAVE TO FILE AND/OR  
SUPPLEMENT MOTION FOR  
HARRASSMENT RESTRAINING  
ORDER (18 U.S.C. § 1514(b))  
PURSUANT TO FRCP RULE 65(b);  
DECLARATION OF COLBERN  
STUART IN SUPPORT

18 SAN DIEGO COUNTY BAR  
19 ASSOCIATION, a California  
20 Corporation, et al,

21 Defendants.

22 APPLICATION

23  
24  
25  
26 Plaintiff Colbern C. Stuart hereby applies to this Court ex parte for leave to file  
27 an APPLICATION FOR TEMPORARY HARRASSMENT RESTRAINING  
28

APPLICATION FOR LEAVE TO FILE TRO

13CV1944

ORIGINAL

1 ORDER pursuant to 18 U.S.C. § 1514(b) and FRCP Rule 65(b). This Ex Parte  
2 Application is based upon this Combined Application/Declaration of Colbern Stuart,  
3 exhibits thereto, Plaintiff's Verified Complaint and all Exhibits thereto.  
4

5 **FACTS/DECLARATION IN SUPPORT**  
6

7 I am Colbern Stuart, Plaintiff in this action. If called to testify as a witness I  
8 would testify truthfully as follows:

9 1. On Tuesday, August 20, 2013, I filed the Verified Complaint in this matter  
10 asserting 34 causes of action including violations of the Civil Rights Act of 1964 (42  
11 U.S.C. § 1983 et seq.), the Racketeering and Corrupt Organizations Act of 1970  
12 (RICO) (18 U.S.C. § 1961 et seq.), the Lanham Act (15 U.S.C. § 1152), and for relief  
13 under the Declaratory Judgment Act (28 U.S.C. § 2201) and the Witness Protection  
14 Act (18 U.S.C. § 1514), and supplemental state law claims. (VERIFIED  
15 COMPLAINT).

16 2. Within the VERIFIED COMPLAINT, I requested that the Court, on its own  
17 motion, issue a Protective Order pursuant to 18 U.S.C. § 1514(b), based upon a  
18 pattern of HARRASSMENT AND ABUSE (as that term is defined and used in the  
19 VERIFIED COMPLAINT) by Defendants therein. These allegations include a  
20 physical assault, extortion, late night telephone "gun-cock" and death threats,  
21 demanding a bribe, false reporting of child abuse to extort funds, and predatory  
22 competitive behavior, detailed at paragraphs 124 – 374 of the VERIFIED  
23 COMPLAINT, and the August 21, 2013 Press Release entitled "FAMILIES  
24 FIGHTING BACK: California Parents File Federal Racketeering Lawsuit against  
25 Family Court Judges; Charge Criminal Extortion, Bribery, Abuse of Office" (PRESS  
26 RELEASE)(Ex. 46 attached hereto and incorporated herein).

27 3. Based on this history of HARASSMENT AND ABUSE, and out of concern for  
28 my safety, the safety of Plaintiffs' witnesses, and our common efforts and ability to  
APPLICATION FOR LEAVE TO FILE TRO

13CV1944

1 continue this and other legal actions free of further HARASSMENT AND ABUSE, I  
2 requested that the Court exercise its discretion to issue, on its own motion, a  
3 Temporary Restraining Order pursuant to 18 U.S.C. 1514(b) at paragraphs 386-391  
4 of the VERIFIED COMPLAINT, incorporated herein by reference.

5 4. As of today, Monday, August 26, 2013, I have not served any Defendant with  
6 the Summons and Complaint. However, on Sunday, August 25, 2013, I received an  
7 unsolicited letter dated August 23, 2013 from Ms. Kristine Nesthus, Court Counsel  
8 for Defendant Superior Court of the County of San Diego (SCSDC). (Ex. 47 attached  
9 hereto). Ms. Nesthus represents to write on behalf of Defendants TRENTACOSTA,  
10 ALKSNE, WOHLFEIL, and SCHALL.<sup>1</sup>

11 5. Ms. Nesthus asserts that she and/or one or more of the defendants she writes on  
12 behalf of have received the Summons and VERIFIED COMPLAINT, and/or became  
13 aware of its existence in this Court's PACER electronic filing system and on the  
14 Internet. She objects to the VERIFIED COMPLAINT existing in such locations  
15 because the VERIFIED COMPLAINT, in asserting this Court's personal jurisdiction  
16

17  
18  
19  
20  
21 <sup>1</sup> Ms. Nesthus also appears to write on behalf of other, unnamed parties which she  
22 variously identifies as "other judicial officers of the Court" and "all defendants."  
23 Because no Defendant has been served or made an appearance at this stage, I am  
24 uncertain as to who she represents, and therefore herein and for convenience only  
25 refer to Ms. Nesthus' "clients" as Defendants TRENTACOSTA, ALKSNE,  
26 WOHLFEIL, and SCHALL, though the case is likely otherwise.  
27  
28

1 over several parties in this action including these defendants, specifies their places of  
2 residence within this District. Ex. 47.

3 6. Ms. Nethus asserts that publication of the VERIFIED COMPLAINT  
4 containing Defendants' places of residence is a violation of Cal. Gov't C. §  
5 6254.21(c)(A) and (E) (the "California Public Records Act" or CPRA), which  
6 provide in pertinent part:

7  
8 6254.21.

9 ...

10 (c) (1)

11 (A) No person, business, or association shall publicly post or publicly display on  
12 the Internet the home address or telephone number of any elected or appointed  
13 official if that official has made a written demand of that person, business, or  
14 association to not disclose his or her home address or telephone number.

15 ...

16 (E) For purposes of this paragraph, "publicly post" or "publicly display" means to  
17 intentionally communicate or otherwise make available to the general public.  
18

19 7. Asserting these provisions, Ms. Nesthus demands that I "IMMEDIATELY":  
20

21 A. Remove "from the above websites, and the internet generally, any and all  
22 information concerning the residential addresses and telephone numbers of the  
23 aforementioned judges..."  
24

25 B. Remove the same for "any other judicial officers of the Court;"  
26  
27  
28

1 C. Remove the same from PACER “because the complaint is available on  
2 PACER, Government Code section 6254.21 requires you to take immediate steps  
3 to remove this information from PACER.” and  
4

5 D. That “you are hereby advised that you are prohibited from further transmitting  
6 this information ‘to any other person, business, or association, through any other  
7 medium.”  
8

9 8. Her letter concludes “Be assured that the Court will take all necessary legal  
10 actions to remedy this situation and ensure the safety of its judicial officers.”  
11

#### 12 **DISCUSSION**

13 I hereby seek leave to file a Motion and/or Supplement the pending Motion for  
14 Temporary Harassment Protective Order (TRO) in the VERIFIED COMPLAINT.  
15 As detailed in the original Motion in the VERIFIED COMPLAINT at paragraphs  
16 386-391, Defendants, including SCHALL, ALKSNE, and WOHLFEIL, have  
17 participated directly or indirectly in ongoing illegal retaliatory and obstructive  
18 HARRASSMENT AND ABUSE, including my April 15, 2010 ASSAULT detailed  
19 in the VERIFIED COMPLAINT, as well as the ongoing harassment and intimidation  
20 explained elsewhere in the VERIFIED COMPLAINT and in the PRESS RELEASE.  
21 I explain below that I take Ms. Nesthus’ letter to be an illegal threat in continuation of  
22 that pattern, necessitating this emergency application.  
23

24 I am seeking the TRO on three grounds:

- 25
- 26 1. I am incapable of complying with Ms. Nesthus’s demands;
  - 27 2. Ms. Nethus’s demands are not well-grounded in law; and
- 28

1 3. Ms. Nethus' demands appear to be a pretext for ongoing illegal  
2 HARRASSMENT AND ABUSE in the obstruction of this litigation and the DUE  
3 ADMINISTRATION OF JUSTICE.<sup>2</sup>  
4

5 *1. Inability to Comply:* I cannot accomplish all that Ms. Nesthus' demands. The  
6 Court is aware that I appear pro se in this action. As such I have no privileges to file  
7 or control documents within the Court's electronic filing system. Mr. Webb is  
8 similarly unlicensed in this state and District. He intends on filing an application pro  
9 hac vice shortly but presently has no similar ability.

10 The VERIFIED COMPLAINT was filed in person in this Court's clerk's office and  
11 has not been served on any Defendant. Any copy that exists currently on PACER  
12 was, I assume, scanned and distributed into PACER by the clerk.

13 Because we did not anticipate Ms. Nesthus' pre-service demand, we are not yet  
14 fully able to comply. As such, I cannot "remove all references to such information  
15 from PACER" as Ms. Nesthus demands.

16 Similarly, I cannot remove "from the above websites, and the internet generally,  
17 any and all information concerning the residential addresses and telephone numbers  
18 of the aforementioned judges..." as Ms. Nesthus demands. I am an editor of the two  
19 websites referenced in Ms. Nesthus's letter—CCFC's Facebook page and WordPress  
20 Blog, only the later of which contains a copy of the VERIFIED COMPLAINT. I can  
21 remove that link. With some effort, I can also redact the addresses of the parties she  
22 identifies, though I remain uncertain as to which defendants her demands speak for.  
23

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25  
26 <sup>2</sup> Capitalized terms are used herein to incorporate the same meaning as ascribed to  
27 them in the VERIFIED COMPLAINT.  
28

1 However, as I have no control over “the internet generally” I cannot comply with  
2 that portion of her demand. As of 10:15 p.m. Sunday, August 25, 2013, the  
3 VERIFIED COMPLAINT containing the residential addresses of several Defendants  
4 has been viewed over 119,296 times, and this number is progressing at a rate of about  
5 20,000 views per day. I obviously have no control over what happens to copies once  
6 they are downloaded from CCFC’s website.

7 2. *Ms. Nesthus’ Demands are not well-grounded in law:* Even if I could control the  
8 VERIFIED COMPLAINT as Ms. Nesthus accuses, I believe the authority Ms.  
9 Nesthus relies on to pose her demand is invalid.

10 The California Government Code section cited above and in Ms. Nesthus’ letter,  
11 Cal. Gov’t C. § 6254.21 purports to prohibit speech based on content (the address and  
12 phone number of public officials). As such, under the caselaw discussed below, the  
13 statute is unconstitutional on its face and therefore unenforceable.

14 The U.S. Supreme Court recently articulated the test for determining whether a state  
15 statute impermissibly infringes on freedom of speech. In *U.S. v. Alvarez*, 567 U.S.  
16 \_\_\_\_ (2012)(No. 11-210), the Court reaffirmed the longstanding principle that state  
17 statutes prohibiting speech based on content thereof *are presumed invalid*. The Court  
18 in *Alvarez* explained:

19  
20 [A]s a general matter, the First Amendment means that government has no  
21 power to restrict expression because of its message, its ideas, its subject matter,  
22 or its content.” *Ashcroft v. American Civil Liberties Union*, 535 U. S. 564, 573  
23 (2002) (internal quotation marks omitted). As a result, the Constitution  
24 “demands that content-based restrictions on speech be presumed invalid . . .  
25 and that the Government bear the burden of showing their constitutionality.”  
26 *Ashcroft v. American Civil Liberties Union*, 542 U. S. 656, 660 (2004). In light  
27 of the substantial and expansive threats to free expression posed by content-  
28

1 based restrictions, this Court has rejected as “startling and dangerous” a “free-  
2 floating test for First Amendment coverage . . . [based on] an ad hoc balancing  
3 of relative social costs and benefits.” *United States v. Stevens*, 559 U. S. \_\_\_\_,  
4 \_\_\_\_ (2010) (slip op. at 7). Instead, content-based restrictions on speech have  
5 been permitted, as a general matter, only when confined to the few ““historic  
6 and traditional categories [of expression] long familiar to the bar,”” *Id.*, at \_\_\_\_  
7 (slip op., at 5) (quoting *Simon & Schuster, Inc. v. Members of N. Y. State Crime*  
8 *Victims Bd.*, 502 U. S. 105, 127 (1991) (KENNEDY, J., concurring in  
9 judgment)). Among these categories are advocacy intended, and likely, to  
10 incite imminent lawless action, see *Brandenburg v. Ohio*, 395 U. S. 444 (1969)  
11 (per curiam); obscenity, see, e.g., *Miller v. California*, 413 U. S. 15 (1973);  
12 defamation, see, e.g., *New York Times Co. v. Sullivan*, 376 U. S. 254 (1964)  
13 (providing substantial protection for speech about public figures); *Gertz v.*  
14 *Robert Welch, Inc.*, 418 U. S. 323 (1974) (imposing some limits on liability for  
15 defaming a private figure); speech integral to criminal conduct, see, e.g.,  
16 *Giboney v. Empire Storage & Ice Co.*, 336 U. S. 490 (1949); so-called  
17 “fighting words,” see *Chaplinsky v. New Hampshire*, 315 U. S. 568 (1942);  
18 child pornography, see *New York v. Ferber*, 458 U. S. 747 (1982); fraud, see  
19 *Virginia Bd. of Pharmacy v. Virginia Citizens Consumer Council, Inc.*, 425 U.  
20 S. 748, 771 (1976); true threats, see *Watts v. United States*, 394 U. S. 705  
21 (1969) (per curiam); and speech presenting some grave and imminent threat the  
22 government has the power to prevent, see *Near v. Minnesota ex rel. Olson*, 283  
23 U. S. 697, 716 (1931), although a restriction under the last category is most  
24 difficult to sustain, see *New York Times Co. v. United States*, 403 U. S. 713  
25 (1971) (per curiam). These categories have a historical foundation in the  
26 Court’s free speech tradition. The vast realm of free speech and thought always  
27  
28



1           protected in our tradition can still thrive, and even be furthered, by adherence  
2           to those categories and rules.

3  
4           The Court continued:

5  
6           In addition, when the Government seeks to regulate protected speech, the  
7           restriction must be the “least restrictive means among available, effective  
8           alternatives.” *Ashcroft*, 542 U. S. at 666 . . . .

9  
10          Section 6254.21 appears to be a content-based restriction on free speech. It  
11          identifies the speech it proscribes by reference to the content of the speech—the  
12          telephone number and address of “an elected or appointed official.” Residence  
13          information regarding a public official is expressive for several reasons. A  
14          politician’s place of residence identifies how to reach him or her to express political  
15          opinions, pleasure or displeasure with performance, his or her voting district and  
16          office eligibility, neighborhood, style of living, political inclinations, personal  
17          affiliations, and a wide variety of relevant information about the official’s fitness,  
18          character, and identity, which for elected officials are always relevant.<sup>3</sup> As such, the  
19          CPRA section asserted is content-based restriction on free speech, and therefore  
20          presumed invalid.

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27          <sup>3</sup> See, *Sullivan*, *infra*.

1 Under the test articulated in *Alvarez*, a statute imposing a content-based restriction  
2 on free speech may be resurrected from the presumption of invalidity only if the party  
3 attempting to enforce the statute can prove that the statute:  
4

5 A. Falls “within any of the historic and traditional categories [of expression] long  
6 familiar to the bar” *and*

7 B. Is the “the “least restrictive means among available, effective alternatives.” *Id.*  
8

9 The burden of resurrecting section 6254.21 from the presumption of invalidity rests  
10 on the parties asserting it. Such an achievement in this case seems dubious.

11 A. Section 6254.21, part of the California Public Records Act of 1968 (CPRA) as  
12 amended in 2004, appears not to fall within any of the “historic and traditional  
13 categories of expression long familiar to the bar.” The CPRA act of 1968 was  
14 enacted long after the ratification of the First Amendment, and of course could not  
15 have been contemplated as an exception by the Constitution’s Framers. Otherwise I  
16 am personally unaware of any “historic and traditional” exception to free speech for  
17 disclosure on the Internet of a public official’s home address and suspect that a proper  
18 historical inquiry would yield exactly the opposite conclusion.

19 Further, the interests protected by the CPRA are not of the type that could overcome  
20 the *Alvarez* presumption of invalidity. Section 6250 of the Act describes the relevant  
21 interest underlying the Act:  
22

23 6250. In enacting this chapter, the Legislature, mindful of the right of  
24 individuals to privacy, finds and declares that access to information concerning  
25 the conduct of the people's business is a fundamental and necessary right of  
26 every person in this state.  
27  
28

1 At best, the statute pits one well-recognized first amendment right (expression  
2 concerning public figures) against a separate *personal* “implied” right—privacy.  
3 Thus, the CPRA protects a *personal privacy interest* that is simply not identified as  
4 an *Alvarez* ‘historic and traditional’ exception to the relevant bright line presumption  
5 of invalidity.

6 Ms. Nesthus’ assertion would therefore seem to be that her clients’ *personal* privacy  
7 interests as expressed in the CPRA trump my fundamental First Amendment  
8 expression rights regarding public officials as articulated by *Alvarez* and the long  
9 tradition of free speech jurisprudence that precedes it. Yet this “comparative”  
10 analysis was explicitly rejected by the *Alvarez* Court. As articulated by Justice  
11 Kennedy, any analysis consisting of a “balancing” between competing First  
12 Amendment rights would represent a “startling and dangerous” “free-floating test for  
13 First Amendment coverage . . . [based on] an ad hoc balancing of relative social costs  
14 and benefits.” *Alvarez* at \_\_; (quoting *United States v. Stevens*, 559 U. S. \_\_\_\_, \_\_  
15 (2010))

16 Further, while one would acknowledge a *private person’s* interest in maintaining  
17 confidential information in confidence, the CPRA’s prohibition against posting the  
18 location of a public official’s residence is inconsistent with the broad protections for  
19 speech regarding *public officials*. Indeed, publication of information—even *private*  
20 *information*—about public officials enjoys the highest level of first amendment  
21 protection. See, *New York Times v. Sullivan*, 376 U.S. 254 (1964) (describing laws  
22 prohibiting free discussion of facts relating to public officials as “a nullity, as  
23 absolute and as palpable as if Congress had ordered us to fall down and worship a  
24 golden image.”); *Landmark Communications, Inc. v. Virginia*, 435 U.S. 829, 839  
25 (1978)(protecting publication of *confidential records* of judicial discipline  
26 proceedings). There is also little doubt that the judges and other defendants Ms.  
27 Nesthus’ represents fall within the broad categories of “men of fortitude” expected to  
28

1 receive and withstand intense public scrutiny and criticism, including scrutiny of their  
2 lifestyles, neighborhoods, and places of abode. *Craig v. Harney*, 331 U.S. 367 at  
3 376.

4 Over a century<sup>4</sup> of reasoning *from judges themselves* establishes that judges and  
5 prosecutors are *uniquely* proper subjects of the intense public scrutiny to which all  
6 public officials are generally subject, and that restrictions on speech about judges are  
7 permitted only in the case of “clear and present danger of obstruction of justice.”  
8 *Sullivan, Harney*, supra; see also *Imbler v. Pachtman*, 424 U.S. 409 (1976); *Burns v.*  
9 *Reed*, 500 U.S. 478 (1991); *Henzel v. Gerstein*, 608 F.2d 654 (5th Cir. 1979); *Skokos*  
10 *v. Rhoades*, 440 F.3d 957 (8th Cir. 2006); *Jensen v. Wagner*, 603 F.3d 1182 (10th  
11 Cir. 2010); *Kalina v. Fletcher*, 522 U.S. 118 (1997); *Malley v. Briggs*, 475 U.S. 335  
12 (1986); *Lampton v. Diaz*, 639 F.3d 223; *Lacey v. Maricopa County*, 693 F.3d 896  
13 (9th Cir. 2012); *Richardson v. Fleming*, 651 F.2d 366, 373 (5th Cir. 1981); *Connick*  
14 *v. Thompson*, 131 S.Ct. 1350 (2011); *Carter v. City of Philadelphia*, 181 F.3d 339  
15 (3rd Cir. 1999); *Vierria v. California Highway Patrol*, 644 F.Supp.2d 1219 (E.D. CA  
16 1219); *U.S. v. Angelilli*, 660 F.2d 23 (2d Cir. 1981).

17 Ms. Nesthus asserts that the act of filing the COMPLAINT including the addresses  
18 of judges Trentacosta, Wohlfeil, Alksne, and Schall “constitutes a serious threat to  
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23 <sup>4</sup> “The section's purpose was to provide redress for the deprivation of civil rights.  
24 It was recognized that certain members of the judiciary were instruments of  
25 oppression, and were partially responsible for the wrongs to be remedied. The parade  
26 of cases coming to this Court shows that a similar condition now obtains in some of  
27 the States. Some state courts have been instruments of suppression of civil rights. The  
28 methods may have changed; the means may have become more subtle; but the wrong  
to be remedied still exists.” *Pierson v. Ray*, 386 U.S. 547 (1967)(discussing the Ku  
Klux Klan act of 1871, the predecessor to the section 1983 litigation that is one focus  
of this litigation.).

1 their safety as well as their family members.” She provides no facts beyond the  
2 assertion. Without more, it’s difficult to agree that identification of a judge’s address  
3 in the due course of filing a Complaint—in the same way that all civil Defendants are  
4 required to be identified—poses a special threat to a judge or their family. I see no  
5 likelihood that publication of the home address of any defendant herein by itself  
6 establishes a “clear and present danger” to the judge, and as Ms. Nesthus’ has not  
7 asserted such a claim under Cal. Gov’t C. § 6254.21(b), she would appear to agree.

8 Moreover, regardless of the merits of the issue, the burden of establishing the  
9 validity of a content-based statute lies with the party asserting its validity. No party  
10 has at this stage even attempted to do so.

11 As such, and for this reason alone, CPRA section 6254.21 is facially invalid, and  
12 Ms. Nesthus’s demand is not substantially grounded in law.

13  
14 B. In addition, the CPRA proscription against disclosure “on the internet” appears  
15 not to be the “least restrictive means” for protecting the privacy interest asserted. See  
16 *Aschcroft, Alvarez, supra*. The address, telephone, and even email contact  
17 information for Judges Trentacosta, Schall, Wohlfeil, and Alksne are available from  
18 numerous sources, including the county registrar of voters, online election campaign  
19 financing forms, online and hard-copy phone books, public address databases, credit  
20 records, public campaign funding filings, tax records, and a wide variety of other  
21 publically-available sources. I can personally testify that finding these home  
22 addresses and abundant other personal data was no challenge.

23 Given that ease, it would be hard to articulate a credible claim that the horse, being  
24 long ago out of the barn, is suddenly at large when it appears in court. Far less  
25 restrictive means for protecting such information—if it is protectable—exist,  
26 including perhaps Ms. Nesthus’ clients’ own ability to control to whom they disclose  
27 such information. The choice to become a public official and exercise the enormous  
28

1 powers of such office involves sacrifices to many personal interests, including  
2 privacy. Even if a balancing of interests analysis were permissible, whatever  
3 constitutional injury occasioned by an undesirable disclosure of a place of residence  
4 as part of a legal filing seems miniscule when compared with the “bright line”  
5 protections afforded free speech regarding public officials as part of an ordinary  
6 course litigation filing in a civil action.

7 *3. Demand as a pretext for further HARASSMENT AND ABUSE:* I am concerned  
8 that Ms. Nesthus is asserting this demand as a pretext for further HARASSMENT  
9 AND ABUSE for the following reasons:

- 10  
11 (i) Defendants’ demand is consistent with the pattern of HARRASSMENT AND  
12 ABUSE perpetrated by the very judicial officials Ms. Nesthus’ objects on behalf of;  
13 (ii) Defendants’ demand is not well-grounded in fact or law, and  
14 (iii) the unveiled threatening tone of Ms. Nesthus’ conclusion that I “be assured...”  
15 that she will “ensure the safety” of court personnel from what she characterizes as  
16 threats to personal safety posed by a residence identification in a civil lawsuit.  
17

18 It is anticipated that Ms. Nesthus will attempt to continue the ongoing frustration of  
19 the plaintiffs’ FFRRESA and DUE COURSE OF JUSTICE in this matter or  
20 otherwise frustrate this Courts’ jurisdiction by abusing legal process in other courts or  
21 this one. Ms. Nesthus’ reflexive conclusion that an ordinary course civil filing  
22 represents to her clients “a serious threat to their safety as well as their family  
23 members” and accompanying threat to “be assured” she will act “to take all necessary  
24 legal action to remedy this situation and ensure the safety of its judicial officers” is  
25 itself instructive. Ordinary litigants—and every party to this case no more or less  
26 than ordinary—don’t react in this way. It is precisely this style of behavior that led to  
27 this lawsuit, and that this lawsuit is intended to redress.  
28

1 As the gravamen of this lawsuit is a history of illegal abuse of process by these very  
2 defendants, a serious risk for further illegal HARASSMENT AND ABUSE is  
3 immediately present. Notably, Ms. Nesthus did not seek a stipulation to withdraw  
4 and redact prior to her demand and threat to seek redress; would she have done so  
5 reasonably such would readily have been granted. Instead she prefers an escalation  
6 tactic of specious demand and threat to formal process intended—it is respectfully  
7 submitted—to continue Defendants’ pattern of illegal HARASSMENT AND  
8 ABUSE.

9 4. *General Order 550*: Ms. Nesthus also asserts that the VERIFIED COMPLAINT  
10 is in violation of this Court’s General Order 550(1)(h)(5). I disagree. That Order  
11 provides:

12  
13 h. Privacy

14  
15 Unless otherwise ordered by the court, parties must refrain from including, or  
16 must partially redact where inclusion is necessary, the following personal  
17 identifiers from all pleadings and documents filed with the court, including  
18 exhibits thereto:

19 ...

20 5. Home address. In criminal cases, if a home address must be included only the  
21 city and state should be listed.

22  
23 Though Racketeering is a federal crime, and Plaintiffs have asserted 34 indictable  
24 federal offenses in the VERIFIED COMPLAINT, I cannot agree that this is yet a  
25 “criminal case” in the ordinary understanding of that term.  
26  
27  
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1 **Benefits and Burdens Weigh In Favor of a TRO**

2 The burdens of the granting a HARASSMENT TRO under 18 U.S.C. § 1514 on all  
3 parties are insignificant as Defendants have no legitimate interest to further  
4 HARRASSMENT AND ABUSE and obstruction of the DUE COURSE OF  
5 JUSTICE. The requested TRO requires that Defendants abandon extra-judicial  
6 HARASSMENT AND ABUSE and proceed according to law in this courthouse,  
7 which is the exclusive venue with jurisdiction for all claims. This Court has exclusive  
8 jurisdiction over the federal law questions asserted in the VERIFIED COMPLAINT,  
9 supplemental jurisdiction over state law claims, and is at least as well-suited to  
10 protect the relevant interests of all parties and the broader DUE ADMINISTRATION  
11 OF JUSTIE as any county Superior Court, or any other forum in which Defendants  
12 may seek relief.

13 Refusing the TRO would injure Plaintiff's present rights to access justice in this  
14 forum, intimidate and harass parties and witnesses, interfere with counsel, as well as  
15 interfere with this Courts' present jurisdiction. The burdens on me and my witnesses  
16 are significant—as detailed in the VERIFIED COMPLAINT and the PRESS  
17 RELEASE, we have already been subject to devastating threats, intimidation, and  
18 illegal obstruction, frustrating the DUE ADMINISTRATION OF JUSTICE in this  
19 and other matters, injuring our professional property, reputation, and personal well-  
20 being. In further support I hereby tender three witnesses, who at this point wish to  
21 remain unnamed, to these facts should the Court so command.

22 Appeasement by inaction of Defendants' pattern of intimidation will exacerbate the  
23 wrongs already of record, irreparably harming Plaintiffs in this action and other  
24 federal proceedings. As any attempt to frustrate the jurisdiction of this Court would  
25 pose serious and irrevocable injury by further intimidation, HARASSMENT AND  
26 ABUSE, equitable relief is warranted. I respectfully request the Court's assistance in  
27



1 assuring that the DUE ADMINISTRATION OF JUSTICE initiated by Plaintiffs  
2 years ago be permitted to proceed in this courthouse.  
3

4 **CONCLUSION**

5 Based on the foregoing, I hereby request leave to file and/or hereby supplement the  
6 existing Motion for Harassment Temporary Restraining Order pursuant to FRCP Rule  
7 65(b) on these and the grounds asserted in the VERIFIED COMPLAINT at  
8 paragraphs 386 et seq.  
9

10 I declare under penalty of perjury of the laws of the United States the foregoing  
11 to be true and correct.  
12

13 DATED: August 26, 2013

By: /s/ Colbern C. Stuart

14  
15 Colbern C. Stuart, III, President,  
16 California Coalition for Families and  
17 Children  
18 in Pro Se  
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*California Coalition for Families and Children, et al. vs.  
San Diego County Bar Association, et al,*

United States District Court, Southern District of California  
Exhibits to Complaint

# **Exhibit 46**

## **California Parents File Federal Racketeering Lawsuit against Family Court Judges; Charge Criminal Extortion, Bribery, Abuse of Office**

August 20, 2013 -- San Diego, CA – In its continuing campaign to end the harassment, fraud, and abuse rampant in California State Family Courts, a parents' rights group, the California Coalition for Families and Children, has filed a lawsuit today in federal court charging the San Diego County courts, social workers, divorce attorneys, and psychologists with federal criminal racketeering.

"The abuses of parents and children by Family Courts, social workers, and family law attorneys have harmed parents and children for far too long. We intend to end that abuse." says CCFC President Colbern Stuart. "Family court is designed by its makers to be probably the most dangerous life event parents and children can endure. It enables and profits from every inhumane instinct known to man—greed, hate, resentment, fear—resulting in abundant cash flow for the divorce industry and a fallout of parent and children's misery."

"And behind the curtain of this machine of misery we've uncovered its cause—the multi-billion dollar divorce industry, populated by judges, attorneys, and a machinery of tax-dollar fed "judicial administrators," social workers that George Orwell would marvel at."

"We've been delivering that message kindly for years now, yet the tide keeps rising on families in crisis. We've appealed to the county courts, state and local politicians, state judicial oversight bodies, United States Representatives, and just plain old human dignity, but the harassment and abuse of parents and children has only increased. A resort to federal court intervention in the widespread criminal collusion in state government was the next logical step."

"It's time to recognize Family Court for what it is—a corporate crime ring raiding parents and children of financial and psychological well-being, and devouring our children's futures. And its not just divorce lawyers—its judges, "judicial administrators," psychologists, cops and prosecutors—people we should be able to trust—in a modern day criminal cabal using county courtrooms and sheriff's deputies as the machinery of organized crime." Say Stuart. "Since state officials' hands are too deep into the cookie jar to stop their own abuse, we're seeking the assistance of federal oversight."

CCFC has been active in past years uncovering fraud and abuse of families and children in state courts, including the consumer fraud case of Dr. Stephen Doyne, the most notable child custody evaluator in San Diego. "They not only let Doyne run wild for years, they actively protected his abuse of parents and children. In my mind, the industry is a godless abomination" says Stuart. "One of our parents who challenged Doyne and lost was ordered—by the same court that employs Doyne—to pay Doyne's attorneys fees—over \$380,000—for calling out his undisputed fraud. It's outrageous, and its going to stop."

CCFC's Complaint details both civil and criminal charges. "We've alleged over 34 specific federal crimes in the complaint, and we're turning our evidence over to the F.B.I. and U.S. Attorney for further investigation." Says Stuart.

The Complaint is available online through CCFC's Facebook page at [www.facebook.com/ccfconline](http://www.facebook.com/ccfconline).  
Quotes:

"The present-day suffering of so many parents and children has and is being wrought within a larger system characterized by a widespread institutional failure of—indeed contempt for—the rule of law."

"California legal institutions such as family courts and the legal community, professional institutions such as the state bar and psychology boards, and criminal justice institutions have in the recent decade gradually combined to cultivate a joint enterprise forum in which widespread "family practice" exceptions to the rule of law are not only tolerated, but increasingly encouraged. Professional behavior that would only a few years ago be recognized as unethical, illegal, or otherwise intolerable by American legal, psychological, law enforcement, or social work professionals has increasingly achieved acceptance—indeed applause—from institutional interests which benefit from a joint enterprise enforcing the unwritten law of "who you know is more important than what you know."

"In this lawless behavior's most crass infestation, California Superior Court Family Division judges are regularly heard to announce, in open court, "I *am* the law" and proceed to act accordingly with impunity, indifference, and *without shame*."

"The effect on parents and children seeking social support within this coalescing "family law" forum has not been as advertised by courts and professionals—a new healing—but instead *a new affliction*: an 'imposed disability' of de rigueur deprivation of fundamental rights in the name of 'therapeutic jurisprudence' funded by converting college funds into a bloated ministry of the bar leaving families and their children with mere crumbs of their own success."

The case centers on the April 15, 2010 assault of CCFC's President, Cole Stuart, at the San Diego County Bar Association meeting of family court judges and attorneys. Stuart was attending the meeting of family court judges and attorneys on behalf of CCFC. SDCBA recognized Stuart as the President of the Parents' Rights group and ordered fifteen armed bar association security to tackle him, handcuff him, and throw him out.

According to Stuart, around ten CCFC parents and children attended the seminar to advance their reform efforts and send a message of "doctor, heal thyself." The San Diego County Bar Association meeting of judges and attorneys chose a theme critical of their own clients: calling them "Litigants Behaving Badly." CCFC chose a counter-theme: CCFC parents and children carried signs stating "JUDGES BEHAVING BADLY; if YOU don't follow the law, why would WE?"

"Judge Judy may be entertaining daytime television for some, but that indignity has no place in our justice system—even in what they consider to be "low-brow" family court. Yet many family court judges regularly administer such obnoxious 'renegade' justice every day, in open defiance of the rule of law. 'Sober as a judge' these days has a whole new meaning." Says Stuart—"I've been a successful lawyer for 18 years and seen both excellence and failure, but I've never been ashamed of my profession until the days I walked out of family court." "I decided then that this lawless rolling train wreck of shame to my profession and harm to my community must stop. And for that inspiration, they sent me to jail."

CCFC and Stuart are suing SDCBA and the dozen judges and lawyers who organized the seminar. "They were well aware of our intent to be present at the Seminar--and had fifteen Sheriff's Deputies and a paddy wagon waiting to welcome us when we arrived. We had been in court to seek sanctions against them in the morning, then they assault me that very evening."

According to the CCFC Complaint: "Family Courts, including judges, blame "Litigants Behaving Badly" for harms enabled—indeed largely manufactured—by the Domestic Dispute Industry's own longstanding predatory commercial practices. CCFC saw the "Litigants Behaving Badly" theme as part of the self-delusional propaganda engaged in by so many [divorce industry] members who, rather

than recognizing the harm their industry enables and "healing themselves", instead blame their own clients, who, quite true, do regularly abuse process, their loved ones, and even themselves—in perfect compliance with [divorce industry] instructions."

The lawsuit alleges that divorce lawyers illegally conspire with judges to steal from parents as part of a racketeering criminal enterprise—and brings over 30 claims of federally-indictable crime. "Civil rights violations, fraud, and obstruction of justice are federal crimes—even for judges."

The lawsuit seeks to hold judges and courts personally responsible for overseeing the crime committed by the attorneys and social workers in their courtroom. "Judges have a legal and ethical duty to 'ensure rights' under the judicial canons of conduct. It's just not possible that intelligent lawyers like judges don't understand exactly what goes on in their courtrooms, yet they allow it to continue. In CCFC's opinion, this judicial collusion is far more serious crime than even the fraud of divorce attorneys themselves" says Stuart.

CCFC has filed a motion for a protective order preventing the San Diego Defendants from harassing them "Since they've known about CCFC and its reform toward the more humane family dispute resolution solutions we offer, they've treated us as enemies of the state. When we thought we'd be welcomed, or at least heard, we've instead become targets of prosecution and terrorist threats--They assaulted me, harassed our members including threatening "gun cock" and death threat late night phone calls, attacked our businesses, professional licenses, and threatened to jail and extort us with further crime. It's outrageous that our own government allows this to happen, and we're asking the federal court to protect our members as we pursue the civil and criminal charges against the courts."

A complete set of filings and exhibits is available from CCFC's Facebook page at [www.Facebook.com/ccfconline](http://www.Facebook.com/ccfconline)

About: CCFC is a nonprofit organization of parents-both men and women-who have experienced marital dissolution proceeding in San Diego, Orange, or Los Angeles Counties, Our members are professionals or others who are highly motivated to improving governmental and justice system process addressing domestic relations, parentage, custody, and abuse.

CCFC seeks to promote the health and success of all families--parents and children equally and alike. We perceive that parents and children presently lack effective and independent advocates within government and the civil and criminal justice system, and as such their rights and interests are regularly compromised in favor of the institutionalized interests of others, including government, private attorneys and professional service providers, and the enormous domestic dispute industry.

CCFC organizers, officers, and affiliates are professionals dedicated to improving social, governmental, and justice system processes concerning domestic relations, child rearing, parenting, constitutional law, child custody, and domestic violence. Many of CCFC's members are mothers, fathers, and children who have withstood abundant hardship resulting from the current practices of what is generally described as the "Family Law Community." These injuries and insults include fraudulent, inefficient, harmful, and even dangerous services; an institutionalized culture of indifference to "clearly-established" liberties; insults to the autonomy and dignity of parents and children; extortion, robbery, abuse, and more, delivered at the hands of eager operators within the divorce industry.

*California Coalition for Families and Children, e al. vs.  
San Diego County Bar Association, et al,*

United States District Court, Southern District of California  
Exhibits to Complaint

# **Exhibit 47**



**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN DIEGO**

SAN DIEGO COUNTY COURTHOUSE  
220 W. BROADWAY  
PO BOX 120128  
SAN DIEGO, CA 92101

August 23, 2013

(VIA FACSCIMILE, E-Mail and U.S. Mail)

Colbern C. Stuart III  
4891 Pacific Highway, Suite 102  
San Diego, CA 92110

Dean Browning Webb  
Law Offices of Dean Browning Webb  
515 E. 39<sup>th</sup> Street  
Vancouver, WA 98663-2240

**RE: DEMAND FOR IMMEDIATE REMOVAL OF PERSONAL INFORMATION  
OF JUDICIAL OFFICERS FROM THE INTERNET – GOVERNMENT  
CODE SECTION 6254.21**

Dear Messrs. Stuart and Webb,

It has come to the attention of the Superior Court of California, County of San Diego ("Court") that you have recently filed an action in federal district court naming the Court and several judicial officers as defendants—California Coalition for Families and Children v. San Diego County Bar Association, Case No. 13 CV 1944. In the complaint you have provided the residential addresses of Presiding Judge Trentacosta and Judges Schall, Alksne and Wohlfeil. You have also posted a copy of the complaint on the internet, at <http://croixsdadsblog.wordpress.com/2013/08/20/parents-and-children-fighting-back-ccfc-v-san-diego-county-bar-association-et-al/> and also at <https://www.facebook.com/CCFCONLINE>.

Your conduct in posting the personal information of the aforementioned judges on the internet constitutes a serious threat to their safety as well as their family members. Pursuant to Government Code section 6254.21, subdivision (c)(1)(A) and (E)(3), the Court demands that you IMMEDIATELY remove from the above websites, and the internet generally, any and all information concerning the residential addresses and telephone numbers of the aforementioned judges, as well as any other judicial officers of the Court. Further, because the complaint is available on PACER, Government Code section 6254.21 requires you to take immediate steps to remove this information from PACER.

United States District Court, Southern District of California General Order 550, Section 1(h)(5) prohibits parties from including home addresses in any pleadings or documents filed with the court. Your conduct in providing the residential addresses of the Court's judicial officers, as well as other defendants, constitutes a violation of this General Order. Accordingly, the Court

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Page 2

demands that you immediately take steps to remove the personal residence information of *all defendants* from the complaint and the court file.

Pursuant to Government Code section 6254.21, subdivision (c)(1)(D)(ii), you are hereby advised that you are prohibited from further transmitting this information "to any other person, business, or association through any other medium."

Be assured that the Court will take all necessary legal actions to remedy this situation and ensure the safety of its judicial officers.

Sincerely,

A handwritten signature in black ink, appearing to read "Kristine P. Nesthus". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Kristine P. Nesthus, Esq.  
Court Counsel